

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

ADRIAN ALDON KEATON, #02295075

VS.

DIRECTOR, TDCJ-CID

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CIVIL ACTION NO. 4:22cv329

ORDER ADOPTING REPORT AND RECOMMENDATION
CONCERNING PETITIONER’S MOTION FOR SUMMARY JUDGMENT

The above-entitled and numbered civil action was referred to United States Magistrate Judge Christine A. Nowak, who issued a Report and Recommendation (Dkt. #25) concluding that Petitioner’s motion for summary judgment (Dkt. #24) should be denied without prejudice. Petitioner filed objections. (Dkt. #27).

In the objections, Petitioner reurges the same arguments he raised in his motion for summary judgment (Dkt. #24)—that he is entitled to summary judgment. (Dkt. #27). *The Rules Governing Section 2254 Cases in the United States District Courts* do not contemplate dispositive motions in habeas actions. As in the case here, such motions would generally be redundant in light of the settled procedures for resolving the merits of habeas petition. This is especially true where the motion essentially seeks the same relief as that sought in the underlying petition for writ of habeas corpus.

The Report of the Magistrate Judge, which contains proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration. Having made a *de novo* review of the objections raised by Petitioner to the Report, the Court concludes that the findings and conclusions of the Magistrate Judge are correct. Therefore, the

Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court.

It is accordingly **ORDERED** that Petitioner's motion for summary judgment (Dkt. #24) is **DENIED** without prejudice.

SIGNED this 29th day of September, 2022.



AMOS L. MAZZANT
UNITED STATES DISTRICT JUDGE